

Testimony of William C. Buhl, Circuit Judge, before the Senate Judiciary Committee on Tuesday,
November 9, 2010 in Lansing, Michigan on 2010 **SB 1560**

My name is William C. Buhl, and I have been a Circuit Judge in Van Buren County for 22 years, following 14 years on the District Court Bench and 6 years as a prosecutor. I am also Chairman of the Professional Advisory Board to the Coalition for a Useful Registry.

I would like to oppose adoption of SB 1560 in its present form.

The preamble to the Sex Offender Registration Act includes its stated purpose: "...to better assist law enforcement officers and the people of this state in preventing and protecting against the commission of future criminal sexual acts by convicted sex offenders." The legislature made a determination that **every convicted sex offender** "...poses a potential serious menace and danger to the ...people....and particularly children, of this state."

This is not true. Every convicted sex offender does not pose such a risk. Our registry is overbroad. It is expensive. Along with California and Florida, we rank among the highest number of registered sex offenders in the nation.

SB 1560 adds considerably more requirements to the obligations of registered sex offenders in Michigan, but continues to be over-inclusive, and gives no consideration to risk assessment. This is costly, and it cripples law enforcement in its ability to track and monitor dangerous people.

Two horrific examples demonstrate why this is so wrong: (1) The brutal rape and murder of Jessica Lunsford in Florida by John Couey, a **registered sex offender**, who was not living where he was registered. The registry's limitations on protecting children were tragically demonstrated in that case. (2) The case of Phillip Garrido in California. Despite being registered and monitored, he held captive his victim in his back yard for 18 years.

In a September 3, 2009 article in The Wall Street Journal, it was made clear that law enforcement has not and cannot keep pace with the large number of registered sex offenders in that state and in states like Michigan and California where the registry is not risk based, but offense based. According to the article, "The growing sex-offender list can dilute the amount of attention on the most dangerous offenders.....Some sex offenders 'tend to be not dangerous at all.....You have them register as sex offenders, so when you're law enforcement, all these people look the same. If you had much more focused sex-offender laws, maybe they would have been bothered to go into the shack' in Mr. Garrido's back yard."

Michigan needs to "focus," and use risk assessment, not add onerous conditions to every convicted sex offender, regardless of danger or risk. If we don't, we increase the risk of having our own Jessica Lunsford, when it could have been prevented by being smart on crime.

Sadly, the article in the Journal concludes "Provisions of the Adam Walsh Act aim to move monitoring in the opposite direction, so that it's based solely on an offender's conviction, not on a complex assessment of risk."

This is wrong. It is expensive, does not protect us (particularly children), burdens law enforcement with an impossible task, and burdens thousands of non-dangerous offenders with unnecessary restrictions on them and their families.